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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,446	07/21/2003	Gregory Tuc	116640	5233
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OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320				
			EXAMINER FERGUSON, MICHAEL P	
			ART UNIT 3679	PAPER NUMBER

DATE MAILED: 07/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/622,446

Applicant(s)

TUC ET AL.

Examiner

Michael P. Ferguson

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 01/13/04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Objections

2. Claims 8 and 10 are objected to because of the following informalities:

Claim 8 (line 4) recites "in particular in such a manner". The phrase "in particular" renders the claim indefinite as it is unclear as to what is positively claimed as the invention.

Claim 10 (line 2) recites "fixing element". It should recite --fixing elements--.

For the purpose of examining the application, it is assumed that appropriate correction has been made.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-7 and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Trafton (US 4,142,343).

As to claim 1, Trafton discloses an assembly of a tubular element **28** and at least one panel **52**, the assembly comprising a pair of fixing elements **40** suitable for being mounted on the tubular element, the pair of fixing elements and the panel being configured in such a manner as to enable the panel to be held between the fixing elements, the fixing elements being disposed on either side of the plane of the panel, wherein one of the fixing elements includes a fixing tab **42** suitable for engaging in a corresponding slot **29** formed in the tubular element (Figures 6-8).

As to claim 2, Trafton discloses an assembly wherein one of the fixing elements **40** has a face for bearing against one side of the panel **52** (Figure 7).

As to claim 3, Trafton discloses an assembly wherein a fixing tab **42** has a bearing surface suitable for bearing against an inside wall of the tubular element **28** (Figure 7).

As to claim 4, Trafton discloses an assembly wherein one of the fixing elements **40** has two fixing tabs **42,45** that are offset relative to a central axis of the fixing element (Figure 6).

As to claim 5, Trafton discloses an assembly wherein the tubular element **29** has a plurality of slots **29** enabling at least two pairs (not shown) of fixing elements **40** to be fixed side by side (Figure 7).

As to claim 6, Trafton discloses an assembly wherein a fixing tab **42** is configured in such a manner that when it is inserted in the corresponding slot **29** of the tubular element **28**, the fixing element **40** can pivot relative to the tubular element, prior to the panel **52** being put into place (Figure 7).

As to claim 7, Trafton discloses an assembly wherein each of the fixing elements **40** has an opening, and the panel **52** has a orifice, and wherein the openings and the orifice are configured so as to define a passage for the shank of a screw **52** co-operating with a nut (Figure 7).

As to claim 10, Trafton discloses an assembly wherein each of the fixing elements **40** is generally in the form of a half-shell (Figure 6).

As to claim 11, Trafton discloses a fixing element **40** for assembling a tubular element **28** and a panel **52** together, the fixing element including:

- a fixing tab **42** suitable for engaging in a slot **29** of the tubular element;
- an opening allowing a screw shank **52** to pass through for holding the panel; and
- a face for pressing against one side of the panel (Figures 6-8).

As to claim 12, Trafton discloses a tubular element **28** for assembly, the tubular element having four slots **29** disposed in a checkerboard configuration (slots **29** define parallel rows such as in a checkerboard; Figure 7).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trafton in view of Ateliers Reunis Caddie (FR 2 712 043).

As to claim 8, Trafton fails to disclose an assembly wherein one of the fixing elements includes a setback suitable for receiving a nut or the head of a screw, the depth of the setback being selected in such a manner as to ensure that the nut or the head of the screw is received completely therein.

Ateliers Reunis Caddie teaches an assembly wherein a fixing element **11** includes a setback suitable for receiving a nut **14** or the head of a screw **13**, the depth of the setback being selected in such a manner as to ensure that the nut or the head of the screw is received completely therein; the setback improving the aesthetic appearance of the fixing element (abstract, Figure 4). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify an assembly as disclosed by Trafton to have a fixing element having a setback suitable for receiving a nut or the head of a

screw as taught by Ateliers Reunis Caddie in order to improve the aesthetic appearance of the fixing element.

As to claim 9, teaches an assembly according to claim 8, including a plug **27** configured to be capable of engaging in the setback so as to cover the nut **14** (Figure 4).

Conclusion

The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure. The following patents show the state of the art with respect to fixing element assemblies:

Nymark (US 2002/0023391), Cohen (US 3,858,988), Hagglund (US 3,811,785) and Offenbroich (US 3,580,620) are cited for pertaining to assemblies having a tubular element having slots, a panel and a fixing element having a fixing tab.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Ferguson whose telephone number is (703)308-8591. The examiner can normally be reached on M-F (7:30-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703)308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3679

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MPF
07/15/04



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